

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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In the Matter of)	
)	
Amendment of Section 73 622(b))	MM Docket No 01-244
Table of Allotments,)	RM-10234
Digital Television Broadcast Stations)	
(Tyler, Texas))	

In the Matter of)	
)	
Amendment of Section 73 622(b))	MM Docket No 01-245
Table of Allotments,)	RM-10235
Digital Television Broadcast Stations)	
(Lufkin, Texas))	

To the Honorable Commission

REPLY OF INTERNATIONAL BROADCASTING NETWORK
TO OPPOSITION OF CIVCO, INC TO APPLICATION FOR REVIEW

International Broadcasting Network ("IBN") hereby submits its reply to the opposition of CivCo, Inc ("CivCo") to IBN's application for review of the Memorandum Opinion and Order adopted on September 4, 2003, and released on September 12, 2003, by the Chief of the Video Division in the above-captioned consolidated proceedings. In support hereof, IBN respectfully shows the following

- 1 CivCo,¹ in its opposition, attempts to shift the focus away from the basic issues, to completely ignore IBN's most compelling arguments and to

¹ As used herein, the term "CivCo" applies to CivCo, Inc., and any or all of its predecessors, affiliated companies and alter egos

misrepresent the facts. This is a pattern that has been seen throughout these proceedings.

2. CivCo states that “IBN stubbornly has refused to accept the Commission’s well-established and consistently applied rules that lower power television stations are secondary services.”² That is misleading. IBN recognizes that the Commission accords secondary status to low power television stations. However, the secondary status of IBN’s stations is irrelevant to the basic issue in these proceedings, which is that CivCo has failed to meet its burden of proof that the substitution of channels is in the public interest. The record clearly shows that the substitution of channels is not in the public interest. CivCo’s unproven and untrue assertions must be balanced against the unanimous opposition of all those who filed comments or affidavits in these proceedings and the thousands of others who signed petitions. Even if IBN had no station at all, or if it had not filed comments, the record would still convincingly show the substitution of channels not to be in the public interest.
3. CivCo argues that the Commission routinely approves channel substitution requests and implies that public comments are not to be considered.³ If that were true, why would the Commission invite public comments? Certainly, that is an untenable position. All comments, not just those of the owners of stations seeking channel substitutions, must be considered and given weight. The Commission must not arbitrarily grant channel substitutions without proper regard for the public comments.

² CivCo’s opposition at page 2

³ CivCo’s opposition at page 3

- 4 CivCo's dismissive view of the seriousness of its failure to give proper notice to IBN⁴ reveals its lack of regard for the Commission's rules. Contrary to CivCo's contentions, CivCo's failure to give timely notice was highly prejudicial to IBN and put IBN at a distinct disadvantage. The failure to give notice was only one of the means CivCo used to deceive IBN and lull it into a sense of complacency while awaiting CivCo's anticipated withdrawal of the petitions for substitution of channels. On October 30, 2001, after reading false statements Jim Keelor, president of CivCo's parent company, made to *The Lufkin Daily News*, IBN began to suspect that CivCo had surreptitiously made filings that were neither served on IBN nor known to IBN. Thereupon, IBN demanded that copies of any such filings be sent to IBN. Although CivCo's lawyer complied with IBN's demand, the damage had already been done. The deadline for filing comments was only days away, and IBN's president was grieving over the death of a beloved family member who had just been buried. Had CivCo given timely notice of its filings, IBN could have easily refuted false claims made by CivCo in those filings before the Notice of Proposed Rule Making was issued. There could not be a clearer case of deception and prejudice than has been documented in these proceedings. That fact alone should have been ample reason to deny CivCo's proposed substitution of channels.

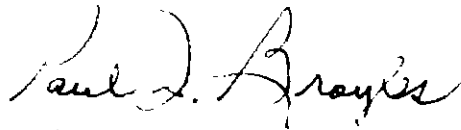
⁴ See CivCo's opposition at page 4.

- 5 CivCo's arguments are merely a rehash of discredited arguments to which
IBN has previously responded in these proceedings. They have no merit, and
the Commission should not be misled by them.
- 6 For the reasons stated above, and for all the reasons set forth in IBN's
previous filings, IBN respectfully reiterates its request that its application for
review be granted, that the Memorandum Opinion and Order issued by the
Chief of the Video Division be reversed and vacated and that such further
relief to which IBN may be entitled be granted.

Respectfully submitted,

INTERNATIONAL BROADCASTING NETWORK

By its President and Counsel

A handwritten signature in black ink, appearing to read "Paul J. Broyles". The signature is fluid and cursive, with the first name "Paul" and last name "Broyles" clearly distinguishable.

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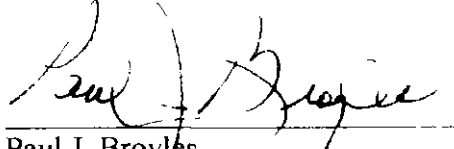
November 6, 2003

CERTIFICATE OF SERVICE

I, Paul J Broyles, hereby certify that on this 6th day of November 2003 a copy of the foregoing REPLY OF INTERNATIONAL BROADCASTING NETWORK TO OPPOSITION OF CIVCO, INC TO APPLICATION FOR REVIEW has been served by first-class mail, postage prepaid, upon the following

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